

REMARKS

Status Summary

Claims 1-78 are pending in the present application. Claims 11-21, 51-60, 67, 68, 77 and 78 have been withdrawn. Applicants acknowledge with appreciation the Examiner's indication that Claims 35-41, 73 and 74 are allowed.

Affirmation of Election

Applicants affirm the election made by applicants' representative, Mr. Gregory A. Hunt on April 30, 2004 in electing the invention of Group I, Claims 1-10, 22-50, 61-66 and 69-76.

Claim Rejection - 35 U.S.C. § 103

Claims 1, 4, 6, 10, 22-23, 25, 28-33, 42, 45-47, 61-65, 69, 71 and 75 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,718,178 to Sladek et al. ("Sladek") in view of U.S. Patent No. 6,611,516 to Pirkola et al. ("Pirkola"). This rejection is respectfully traversed.

Independent claims 1, 5, 22, 29, and 42 recite methods, presence registration and routing nodes, and computer program products for deriving presence information from telephony related actions and forwarding the presence information to a presence server or presence server database. For example, independent claim 1 recites that SS7 message is received in response to a telephony related action. Next, it is determined whether presence registration processing is required for a target end user. In response to determining that presence registration is required, a presence registration message is generated. The presence registration message includes

presence information usable by a presence server for automatically indicating to the end users who are subscribed to the target end user in a presence database a presence status for the target end user. The presence registration message is then sent to a presence server.

Two important features now claimed are the formation of a presence registration message based on a telephony related action and the communication of presence status information derived from the telephony related action to a presence database.

Sladek relates to a method for automatically delivering SMS messages to the calling party (see, e.g., column 15, line 14 of Sladek), the called party (see, e.g., column 15, line 7 of Sladek), or a third party (see, e.g., column 8, lines 39-52 of Sladek), in response to a call processing event. There is absolutely no teaching or suggestion of generating presence status information based on a telephony-related action or of forwarding a presence registration message to a presence database, as claimed. Instead of generating presence information usable by a presence server to notify entities subscribed to a target subscriber a presence status of the target subscriber, Sladek teaches contacting an HLR to obtain subscriber location information. For example, Sladek states:

In particular, CPE may be programmed to send an IS-41 SMS_Req message to the HLR of SME 24 (possibly via one or more other HLRs), and to receive a response SMS_Req message from the HLR, providing the SMS address of the SME 24 (assuming the destination SME is available). (See column 12, lines 24-29 of Sladek.)

From this passage, Sladek teaches that the CPE queries an HLR to obtain the destination entity or SME location. Querying the HLR for each SMS delivery is

fundamentally different from generating presence information usable by a presence server for notifying subscribers of a target entity of the presence status of the target entity. An HLR is a mobile communications network entity that stores mobile subscription information. An HLR responds to queries from MSCs and is updated by messages from VLRs. HLRs do not store presence status, HLRs do not allow subscribers to subscribe to other subscribers, and HLRs do not communicate with end users. A presence server is an IP network entity that stores presence status, allows subscribers to subscribe to other subscribers, and communicates with end users. Moreover, there is no defined procedure for updating presence status regarding a target end user in a presence server as there is for updating subscriber location information in an HLR, not to mention updating presence status based on a telephony-related action. Thus, for these reasons, Sladek fails to teach the invention as claimed.

In paragraph (c) on page 4, the Official Action indicates that Figure 9, reference **42**, reference **12**, and column 15, lines 2-7 of Sladek disclose automatically generating presence information usable by a presence server for notifying subscribers of a target user of the presence status of the target user as claimed. Applicants respectfully disagree. As a preliminary matter, there is no reference numeral **42** in Figure 9 of Sladek. Assuming that reference numeral **42** in Figure 8 of Sladek was intended, this numeral indicates SMS logic in CCP **34** that performs the automatic SMS delivery mechanism described above. Reference numeral **12** of Sladek indicates a mobile handset. Column 15, lines 2-7 of Sladek describe automatic delivery of an SMS message to a called subscriber. None of these passages teach or even remotely suggest generating presence information as claimed.

Pirkola fails to teach the elements of claims 1, 5, 22, 29, and 42 missing from Sladek. Pirkola is directed to a system for maintaining updated status and location information in a subscriber's home function each time the subscriber changes locations. In Figure 2 of Pirkola, the home function **266** is simply the gateway MSC and the HLR **264** of the subscriber. The subscriber terminal monitors one or more predetermined channels for broadcast information identifying a sub-network or a location area. Based on this information, a subscriber or the subscriber terminal can determine whether the subscriber has changed locations by comparing the subscriber's current location to his previous location. If the subscriber has changed locations, the subscriber is required to register with a new visited function at the new location. In Figure 2 of Pirkola, the visited function **274** is simply the VLR **270** and the MSC serving the subscriber. With regard to subscriber registration, Pirkola states that the visited function provides the subscriber's current location to the home function for the purpose of delivering calls to the subscriber. (See column 13, lines 1-21 of Pirkola). From these passages, Pirkola, like Sladek, is directed to updating mobile subscriber location information in HLRs and VLRs and has nothing to do with updating presence information in a presence server. Thus, Pirkola, like Sladek, fails to teach or suggest generating presence information, generating a presence registration message, or forwarding the presence registration message to a presence server as claimed. Accordingly, because Sladek and Pirkola fail to teach the invention as claimed, it is respectfully submitted that the rejection of the claims based on Sladek in view of Pirkola should be withdrawn.

Claims 2, 3, 27, 43, and 44 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sladek in view of Pirkola and further in view of U.S. Patent No. 6,430,176 to Christie, IV (hereinafter, "Christie"). This rejection is respectfully traversed.

As stated above, neither Sladek nor Pirkola teaches or suggests a method, a system, a presence registration and routing node, or a computer program product that automatically generates presence information based on a telephony-related action performed by a target subscriber and forwards the presence registration message to a presence server. Christie likewise lacks such teaching or suggestion. Christie is directed to a method for integrating high quality PSTN voice communications and data communications. According to Christie, ISUP messages are used in combination with H.323 messages to set up a voice call and a data call between end users. (See Figure 3 of Christie.) There is absolutely no teaching or suggestion of automatically generating presence information or forwarding a presence registration message to a presence server as claimed in the independent claims of the present application. In addition, the fact that Christie discloses that the ISUP protocol is used to perform call setup does not render the obvious dependent claims that relate to using ISUP messages to trigger presence registration. As described above, Figure 3 of Christie simply discloses that the ISUP protocol is used to perform call setup, which is the normal function of the ISUP protocol. There is absolutely no teaching or suggestion of using any ISUP messages to trigger presence registration. Accordingly, for these reasons, it is respectfully submitted that the rejection of claims 2, 3, 27, 43, and 44 as unpatentable over Sladek in view of Pirkola and further in view of Christie should be withdrawn.

Claims 7-9, 24, 26, 34, 48-50, 66, 70, 72, and 76 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sladek in view of Pirkola and further in view of U.S. Patent No. 6,564,261 to Gudjonsson et al. (hereinafter, "Gudjonsson"). This rejection is respectfully traversed.

As stated above with regard to the rejection of the independent claims, Sladek and Pirkola fail to teach automatically generating presence information based on a telephony-related action or transmitting a presence registration message including the presence information to a presence server. Gudjonsson likewise lacks such teaching or suggestion. Gudjonsson is directed to a communications network where a cluster of servers 1 allows users to set up multimedia communications with other users. The Official Action correctly notes that Gudjonsson discloses both session initiation protocol (SIP) messages and the instant messaging and presence protocol (IMPP). However, Gudjonsson does nothing to connect these protocols as claimed in the claims of the present application. For example, claim 7 depends from claim 1 and recites that the IP message sent to the presence server is a SIP message. Thus, claim 7, when read with claim 1 recites generating a SIP message to update presence registration information based on an SS7 message. In contrast, Gudjonsson recites only the conventional use of the SIP and IMPP protocols. For example, with regard to the SIP protocol, Gudjonsson states:

When a user 7 wishes to establish a communication with another user, he/she will invoke some function within his/her client 11, requesting the client to send an invitation of a given type to some selected user. The user client will then form the correct SIP message and send it to the special service within the cluster, called the routing service. (See column 9, lines 13-19 of Gudjonsson.)

From this passage, Gudjonsson states that SIP is used to set up sessions between end users. This is the normal use of the SIP protocol. There is absolutely no teaching or suggestion of using SIP to perform a presence registration.

With regard to the IMPP protocol, Gudjonsson states:

Various companies have created networks running on top of the Internet that allow users to send each other short text messages and monitor the status of other users, where the status is usually defined as whether a user is currently connected to a network or not. This kind of functionality is current being considered as the IETF standard called IMPP (instant messaging and presence protocol). (See column 2, lines 16-22 of Gudjonsson.)

The above quoted passage from Gudjonsson merely states that the IMPP protocol is used to communicate status information regarding whether or not users are connected to a network. This is the normal use of the presence protocol. There is absolutely no teaching or suggestion of updating presence information using a SIP message, for example as claimed in claim 7 or of updating presence information to allow users to communicate with other users via an instant messaging protocol based on SS7 messages, for example, as claimed in claim 66. Accordingly, it is respectfully submitted that the rejection of the claims that relate to SIP and instant messaging protocols as unpatentable over Sladek in view of Pirkola and further in view of Gudjonsson should be withdrawn.

Request for Telephone Examiner Interview

Applicant's attorney, Gregory A. Hunt, respectfully requests a Telephone Examiner Interview when the Examiner considers this response. It is believed that a

Telephone Examiner Interview will expedite prosecution of the application. The Examiner can contact Applicant's attorney to schedule the Interview at (919) 493-8000.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

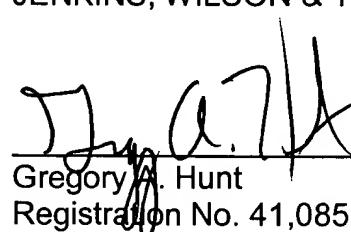
The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: November 19, 2004

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